

Plain Language Summary for Rulemaking Proposal: Updates to implement Senate Bills 763 and 2351 requiring a Protectiveness Review and Amendment Requirements for Concrete Batch Plants Rule Project No. 2025-032-116-AI

Introduction

The Texas Commission on Environmental Quality (TCEQ or commission) is proposing revisions to 30 Texas Administrative Code (TAC) Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, §116.605, and corresponding revisions to the state implementation plan (SIP) under the requirements of Texas Health and Safety Code, §382.017; Texas Government Code, Chapter 2001, Subchapter B; and 40 Code of Federal Regulations §51.102 of the United States Environmental Protection Agency (EPA) concerning SIPs.

Summary

TCEQ is proposing changes to the standard permit rules for concrete batch plants under 30 TAC §116.605.

These changes are based on two new state laws (Senate Bill 763 and Senate Bill 2351), which require TCEQ to update its timelines for conducting protectiveness reviews and issuing and reviewing standard permits for certain types of permanent concrete batch plants.

Senate Bill 763 requires TCEQ to review these standard permits at least once every eight years to make sure they are still protective of health and the environment. If the standard permit is changed after one of these reviews, facilities already operating under the older version of the standard permit will be allowed to keep operating for a certain period of time.

Senate Bill 763 became law on September 1, 2025, and TCEQ must include these changes in official rules by March 1, 2026.

Senate Bill 2351 also affects how TCEQ handles permits for permanent concrete batch plants. It says that if TCEQ updates a standard permit, the agency may require that a facility update construction plans to meet any new permit conditions if construction has not started and the operator had asked for more time to start construction.

Senate Bill 2351 became law on May 24, 2025, the same day it was signed by the Governor.

To follow the new requirements set by Senate Bills 763 and 2351, TCEQ is proposing changes to its rules in 30 TAC Chapter 116, Subchapter F, Standard Permits. The changes include:

1. Adding a requirement for TCEQ to conduct a protectiveness review of the standard permit for permanent concrete batch plants at least once every eight years.
2. Adding requirements that apply when TCEQ updates the standard permit for permanent concrete batch plants allowing TCEQ to require application updates for facilities that have not yet started construction and have asked for more time to begin construction.

Public Comment and Public Meeting Information

TCEQ will offer a hybrid in-person and virtual formal public hearing this proposal in Austin on Thursday, November 20, 2025, at 2:00 p.m. in Building E, Room 201S, at TCEQ's central office located at 12100 Park 35 Circle.

Individuals who plan to attend the meeting virtually and want to provide oral comments must register by Tuesday, November 18, 2025. To register, please email Rules@tceq.texas.gov and provide the following information: your name, your affiliation, your email address, your phone number, and whether or not you plan to provide oral comments during the meeting. Instructions for participating in the meeting will be sent on Wednesday, November 19, 2025, to those who register for the meeting.

Members of the public who do not wish to provide oral comments but would like to view the meeting virtually may do so at no cost at:

<https://events.teams.microsoft.com/event/18d7b168-6cfa-4d0a-afb1-8d87db8289d2@871a83a4-a1ce-4b7a-8156-3bcd93a08fba>

The meeting will be offered to receive public comments on the proposed non-rule standard permit. Spanish language interpretation services will be provided if requested. For accommodation needs, contact David Munzenmaier, Air Permits Division at (512) 239-6092 or 1-800-RELAY-TX (TDD) as far in advance as possible.

The comment period for this proposed action closes at midnight on November 25, 2025. Submit written comments through TCEQ's Public Comments system at <https://tceq.commentinput.com> or by mail to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. Comments may also be faxed to fax4808@tceq.texas.gov. Comments must reference Non-Rule Project No. 2025-032-116-AI.

The proposed standard permit can be found on TCEQ's website at <https://www.tceq.texas.gov/permitting/air/nav/standard.html>.

For more information about the proposal or to get help with submitting written comments, contact David Munzenmaier, Rule Project Manager, at (512) 239-6092 or david.munzenmaier@tceq.texas.gov.